

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

<b>In re: BRIDGESTONE/FIRESTONE, INC.,</b>	<b>) Master File No. IP 00-9373-C-B/S</b>
<b>TIRES PRODUCTS LIABILITY LITIGATION</b>	<b>) MDL NO. 1373</b>
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<b>THIS DOCUMENT RELATES TO ALL</b>	<b>)</b>
<b>ACTIONS</b>	<b>)</b>

**ENTRY FOR AUGUST 20, 2002**

The parties appeared, by counsel, this date for a telephonic discovery conference, during which the following was discussed:

1. The issue of whether the financial release forms to be executed by the plaintiffs in the foreign accident cases may authorize more than one person to obtain a given set of records was discussed and resolved as follows: The defendants may prepare up to five authorization forms (listing one person on each form) for each institution from which records will be sought for a given plaintiff. Only one form per institution per plaintiff may be used by the defendants, and the remaining four forms shall be returned to plaintiffs' counsel. All of the forms shall be delivered to plaintiffs' counsel by August 23, 2002, ready for the plaintiffs to execute.
2. The defendants agree to the changes proposed by Victor Diaz, counsel for plaintiffs, to their proposed medical release forms for the Mexican foreign accident cases.
3. The issue of scheduling dates for the case specific expert witness depositions in the First Wave foreign accident cases was discussed at length. Defense counsel shall confer with Mr. Diaz and arrive at a final schedule for these depositions by August 23, 2002. All parties recognize that most of these depositions will need to be "double tracked" in order to get them completed within a reasonable time period. Mr. Diaz will obtain additional proposed dates for the deposition of Mr.

Baumgardner, and the parties agree to work together to schedule his deposition for a date in early September, at the latest.

4. The parties failed to confer prior to the conference regarding the appropriate deadline for resolving *Daubert* issues, but the issue was discussed during the conference. In addition, the need to establish a comprehensive case management schedule for all of the foreign accident cases was once again discussed. While during the conference the magistrate judge indicated her intent to give the parties some additional time to attempt to agree upon a schedule, she subsequently decided that an agreement is unlikely, and therefore has this date established by separate order a case management schedule for all foreign accident cases.
5. The issue of which First Wave foreign accident cases should be placed on an expedited schedule was discussed. The parties are to provide a list of these cases to the magistrate judge no later than August 29, 2002. If the parties are unable to agree upon a list of cases, then Mr. Diaz shall choose one,<sup>1</sup> Mr. Eidson shall choose one, and Ford and Firestone shall choose one each.
6. Mr. Diaz requested and was granted leave to file by September 10, 2002, a supplemental response to the defendants' supplemental filing regarding its intention to rely upon foreign law. The defendants may file a supplemental reply within 15 days of the supplemental response.
7. The magistrate judge instructs the parties that the method for computing periods of time set forth in Federal Rule of Civil Procedure 6(a) governs all orders entered by the court, including the Joint Stipulated Order Regarding Expert Depositions.

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<sup>1</sup>All of the cases that arise out of a single accident will be counted as one case in this context.

Accordingly, when a deadline is established as “seven days prior to a deposition,” “seven days” means “seven days, excluding weekends and legal holidays.”<sup>2</sup>

8. Mr. Diaz requests that he be included in the scheduling of all liability expert witness depositions relevant to the foreign accident cases and that a copy of each such expert’s file materials be sent to him pursuant to the Joint Stipulated Order Regarding Expert Depositions. The defendants agree to comply with this request.
9. The parties report that they are conferring regarding the proper language to be used in letters rogatory which will be used to obtain police records in the foreign accident cases.
10. The next telephonic discovery conference is scheduled for Friday, August 30, 2002, at 8:00 a.m. Counsel for Bridgestone shall arrange the call and shall inform liaison counsel and the magistrate judge of the arrangements.

ENTERED this \_\_\_\_\_ day of August 2002.

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V. Sue Shields  
United States Magistrate Judge  
Southern District of Indiana

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<sup>2</sup>If weekends and holidays are to be counted, then the order will use the term “seven calendar days” rather than “seven days.”

